

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

EDWARD BUI, a/k/a MICAH BUITRON,

Defendant.

NO. CR17-112 RAJ

ORDER DENYING DEFENDANT'S  
MOTION FOR COMPASSIONATE  
RELEASE WITHOUT PREJUDICE

THIS MATTER comes before the Court on Defendant Edward Bui's motion for compassionate release. Dkt. 76. Having considered the parties' briefing to date and the relevant record, the Court hereby **DENIES** the motion without prejudice.

To permit a court to exercise its discretion to reduce a sentence, a defendant first has the burden of establishing that the exhaustion requirement has been met. *United States v. Van Sickle*, 2020 WL 2219496, at \*3 (W.D. Wash. May 7, 2020) (citing cases). Mr. Bui has not met the exhaustion requirement. Although he claims in his motion that he filed a request for compassionate release with the warden on May 15, 2020, and indicates it is included as Exhibit 1 to his motion, it was not attached.

The government indicates that according to the Bureau of Prisons, on May 15, 2020, Mr. Bui did request a transfer to home confinement under the CARES Act, but indicates that is not considered a compassionate release request. That CARES Act

1 request was denied on May 20, 2020. It is the government's contention Mr. Bui has not  
2 met his burden of showing he complied with the exhaustion requirement.

3 As there is no evidence before this Court that this statutory exhaustion requirement  
4 has been met, Mr. Bui's motion is **DENIED** without prejudice.

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6 DATED this 13th day of July, 2020.

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9 The Honorable Richard A. Jones  
10 United States District Judge  
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